

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-0917 JGB (SPx)**

Date November 13, 2024

Title ***Darwin Boggs v. Novalk, LLC, et al.***

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: Order to Show Cause for Failure to Timely File Joint Rule 26(f) Report (1) COMPELLING the Parties to File Joint Rule 26(f) Report No Later Than December 2, 2024; and (2) CONTINUING the Scheduling Conference to December 16, 2024 (IN CHAMBERS)

On May 1, 2024, Plaintiff Darwin Boggs (“Plaintiff” or “Boggs”) filed a complaint against Defendant Novalk, LLC (“Defendant” or “Novalk”), asserting a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act (“ADA”), a claim for damages pursuant to California’s Unruh Civil Rights Act (“Unruh Act”), and other state law claims. (“Complaint,” Dkt. No. 1.) On July 26, 2024, Novalk filed an answer to the Complaint. (“Answer,” Dkt. No. 8.) On August 20, 2024, the Court issued an order declining to exercise supplemental jurisdiction and dismissing Plaintiff’s state law claims. (Dkt. No. 13.)

On October 2, 2024, the Court issued an order setting a scheduling conference for November 25, 2024. (“Order,” Dkt. No. 15.) Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 26, and this Court’s Order, the parties were required to “e-file a *‘Joint Rule 26(f) Report’* . . . not later than 14 days before [the date of] the [scheduling] conference.” (Order at 2 (emphasis added)); see also Fed. R. Civ. P. 26(f); L.R. 26.

On November 8, 2024, Plaintiff filed a unilateral Rule 26(f) Report. (“Unilateral Report,” Dkt. No. 16.) In his Unilateral Report, Plaintiff alleges that the parties met and conferred on or around November 4, 2024 to discuss various items related to this matter, but “Defendant’s counsel wanted to further discuss the meet and confer issues at a later time.” (*Id.* at 1.) From November 6, 2024 to the filing of the Unilateral Report, Boggs’ counsel further alleges that he

sent Novalk's counsel a draft of the Rule 26(f) report and attempted to contact him via email and telephone but to no avail. (Id. at 2.) Plaintiff asserts that he is "still willing to prepare a joint Rule 26(f) report with Defendant as long as Defendant cooperates with Plaintiff." (Id.)

Accordingly, the Court sua sponte **ORDERS** the parties to file a Joint Rule 26(f) Report on or before **December 2, 2024** or to show cause in writing by that date as to why they have not filed a Joint Rule 26(f) Report. As such, the Scheduling Conference is **CONTINUED** to **December 16, 2024**, at 11:00 a.m. The parties are warned that failure to comply with this order may result in the imposition of sanctions. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument.

IT IS SO ORDERED.